

March 15, 2013

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Greetings,

The Department of Social Services, Division of Child Care is reviewing child care regulations to ensure they are up to date and in line with current practice. This review also takes into consideration various suggestions received from child care providers solicited this past year. Changes are being proposed to the following three Administrative Rules of South Dakota (ARSD) chapters that are pertinent to Group Family Day Care (GFDC) licensure:

1. ARSD Chapter 67:42:01 Provision and Scope of Services.

This chapter was replaced with a new Chapter 67:42:16, Scope of Services for Child Care Programs. Rules from Chapter 67:42:01 pertain to all types of licensed facilities. For better clarity, the new replacement Chapter 67:42:16 is proposed to be a stand-alone chapter pertinent only to child care programs.

2. ARSD Chapter 67:42:04 Group Family Day care Homes.

This Chapter is proposed to be repealed and all of the regulations for group family day care homes would be combined with day care centers in Chapter 67:42:10 because the majority of regulations apply to both types of programs. This Chapter would now be titled *Licensed Day Care Programs*.

3. ARSD Chapter 67:42:11 Environmental Health Standards.

This chapter is specific to day care centers, group family day care homes and before and after school programs.

Proposed revisions from ARSD Chapters 67:42:01, 67:42:04, and 67:42:11 requiring a change in current practice for GFDC are as follows:

- 67:42:10:10 Program Standards. Group family day care homes would be required to have written program standards and meet the requirements of this rule. Although a new requirement, many GFDC programs confirmed they already have written program policies for parents such as admission policies, daily schedules, program activities, etc.
- 67:42:10:15 Medications. Proposing additional documentation when administering medications to children in care to ensure proper dosage, times, etc. Repetitive language deleted.
- 67:42:11:09 Water Supply. The requirement for a minimum water temperature is proposed to be deleted (currently 110 degrees). The rule would require the water temperature to not exceed 120 degrees. Also deleted requirements related to water supply.

The following proposed revisions from ARSD Chapters 67:42:01, 67:42:04, and 67:42:11 require no change in current practice for GFDC. The revisions help clarify intent or increase flexibility for providers such as lifting the requirements for the size of chain links for fencing and allowing broader choices for staff training during the first year of employment.

67:42:10:01 Statement defining purpose and function; 67:42:10:02 Qualifications of director or proprietor; 67:42:10:05 Qualifications of staff members; 67:42:10:06 Staff development and training; 67:42:10:07 Staff to child ratio; 67:42:10:09 Staff records and hiring requirements; 67:42:10:11 Discipline; 67:42:10:13 Nutrition requirements; 67:42:10:14 Health standards for day care children; 67:42:10:18 Fire and life safety; 67:42:11:01 Scope of Chapter; 67:42:11:02 Playground area; 67:42:11:05 Sleeping areas; 67:42:11:06 Toilet facilities; 67:42:11:07 Cleaning and sanitizing of equipment; 67:42:11:12 Heating, ventilation and cooling systems; 67:42:11:14 Railings; 67:42:11:16 Food supplies; 67:42:11:18 Food storage; 67:42:11:33 Hand washing; 67:42:11:34 Garbage and refuse; 67:42:11:39 Walls and ceilings; 67:42:16:01 Definitions; and 67:42:16:10 Denial of license or registration certificate;

The following rules in ARSD Chapters 67:42:01, 67:42:04, and 67:42:11 are proposed to be omitted because they do not pertain to licensed day care programs, are addressed elsewhere in law or rule, or they are no longer relevant. For example, on- site visits to determine compliance is already addressed elsewhere in rule and reference to Civil rights is addressed in federal and state law.

67:42:01:04 Application for license or registration certificate; 67:42:01:06 Ability to provide care; 67:42:01:09 Validity of license or registration certificate; 67:42:01:10 Limitations on combining types of care; 67:42:01:11 On-site visits to determine compliance and evaluate activities; 67:42:01:13 Civil rights; 67:42:01:14 Provisional license or registration certificate; 67:42:01:17 Withdrawal of license or registration certificate; 67:42:10:08 Staff health requirements; 67:42:10:21 Volunteers; 67:42:11:04 Lighting; 67:42:11:07.01 Manual cleaning and sanitizing; 67:42:11:07.02 Mechanical cleaning and sanitizing; 67:42:11:13 Electrical wiring; 67:42:11:17 Food Protection; 67:42:11:19 Refrigerated storage; 67:42:11:21 Reheating; 67:42:11:22 Thawing potentially hazardous foods; 67:42:11:26 Multi-use equipment and utensils; 67:42:11:27 Single service articles; 67:42:11:28 Equipment and utensil handling; 67:42:11:30 Storage and handling of single service articles; 67:42:11:31 Sewage; 67:42:11:32 Plumbing; 67:42:11:35 Garbage and refuse disposal; and 67:42:11:42 Handwashing.

Any other rules with proposed changes not addressed above contain only internal reference changes or minor language cleanup.

You may review the entire rule package with proposed changes at <http://dss.sd.gov/news/hearings/>. If you have any comments or additional input, please contact Carroll Forsch, Assistant Director, by April 5, 2013 at 605-773-4766. You may also submit your comments in writing to the Division of Child Care at 910 E. Sioux Avenue, Pierre, SD 57501 or via email to Carroll.Forsch@state.sd.us.

The next steps in this process include a public hearing that will take place this spring. A notice for this hearing will be placed on the Child Care Services website as well as in other publications as required by law.

Sincerely,



Patricia Monson
Division Director